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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,981	10/05/2005	Tennis Bernard Geijtenbeek	294-215 PCT/US	9614
23869 7590 08/26/2010 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				
EXAMINER				
JUEDES, AMY E				
ART UNIT		PAPER NUMBER		
1644				
MAIL DATE		DELIVERY MODE		
08/26/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,981

Applicant(s)

GEIJTENBEEK ET AL.

Examiner

AMY E. JUEDES

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-75 and 77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 68-75 and 77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment and remarks, filed 6/24/10, are acknowledged.
Claim 76 have been cancelled.
Claims 68 have been amended.
Claim 77 has been added.
Claims 68-75 and 77 are pending and are under examination.
2. The rejection of the claims under 35 U.S.C. 112 first paragraph is withdrawn in view of Applicant's amendment.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
Claims 68-75 stand rejected, and claim 77 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/27872.

As set forth previously, WO 97/27872 teaches a method of stimulating an antigen specific immune response or a Th2 cytokine response comprising administering an antigen comprising a Lewis x antigen glycoconjugate (see page 20, in particular). WO 97/27872 teaches that the method can be performed for the treatment of autoimmune disease (see page 24, in particular). WO 97/27872 teaches that the antigen can comprise a protein, including schistosome egg antigen (an antigen from a parasite), a tumor-associated antigen, or an HIV antigen (a viral antigen, see page 13, in particular). Said proteins inherently comprise peptides capable of binding to MHC class I or II. Additionally, said antigens would inherently bind and be delivered to DC-SIGN, since they comprise the DC-SIGN ligand Lewis x.

Applicant's arguments filed 6/24/10 have been fully considered, but they are not persuasive.

Applicant argues that the '872 application is based on the discovery that stimulating immune cells with lewis antigen containing conjugates results in cytokine production, but that the application is not concerned with a method of stimulating an

immune response directed towards a particular antigen different from the lewis antigen. Applicant notes that the only disclosure of stimulating an antigen specific immune response in the '872 application is the co-administration as two separate entities (i.e. not covalently attached).

As noted above, WO 97/27872 teaches administering a glycoconjugate comprising a protein that naturally expresses lewis X antigens (i.e. is covalently bound to said antigens). WO 97/27872 particularly teaches administering glycoconjugates of a Lewis X antigen and a shistosome egg antigen, HIV antigen, or a tumor antigen (see page 13, lines 21-29). The protein antigen portion of the glycoconjugates of WO 97/27872 would inherently be delivered to C type lectin receptors on antigen presenting cells for stimulating an immune response to said antigen, since the glycoconjugate is identical to that of the instant claims. While the reference does not recognize the ability of the Lewis X antigen to deliver the conjugated antigen to antigen presenting cells, the failure of those skilled in the art to contemporaneously recognize an inherent property, function or ingredient of a prior art reference does not preclude a finding of anticipation (see MPEP 2131.01, III).

4. No claim is allowed.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy E. Juedes, whose telephone number is 571-272-4471. The examiner can normally be reached on 8am to 4:30pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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